

**U.S. Department of Commerce
Charter of the
Marine Protected Areas Federal Advisory Committee**

Establishment

Executive Order 13158 directs the Department of Commerce to establish a Marine Protected Areas (MPA) Federal Advisory Committee (“Committee”) to provide advice to the Secretaries of

Commerce and the Interior on implementation of Section 4 of Executive Order 13158 on marine protected areas. The Committee will operate in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Background

1. Executive Order 13158 directs Federal agencies to strengthen and expand the national system of marine protected areas through three primary means: (a) strengthen the management, protection and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation’s natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

2. The term “marine protected area” is defined in the Executive Order as any area of the marine environment that has been reserved by Federal, state, territorial, tribal or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein. Section 4 of the Executive Order directs the Departments of Commerce and the Interior, in consultation with other Federal agencies, to develop a national system of MPAs by coordinating and sharing information, tools, and strategies and provide guidance to enable and encourage the following: (a) science-based identification and prioritization of natural and cultural resources needing additional protection; (b) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited; (c) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different areas of the marine environment; (d) an assessment of current threats and gaps in levels of protection; (e) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs; (f) identification of threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions; (g) assessment of the economic effects of the preferred management solutions; and (h) improved linkages with and technical assistance to international marine protected area programs.

Objectives and Duties

1. The Advisory Committee will provide advice and recommendations to the Under Secretary for Oceans and Atmosphere to advise the Secretary of Commerce and the Secretary of the Interior on how to fulfill their responsibilities under Section 4 of the Executive Order.

2. The Committee may, with the concurrence of the Under Secretary for Oceans and Atmosphere, and in consultation with the Department of the Interior, establish subcommittees comprised solely of Committee members, or may establish or utilize working groups or task forces comprised of Committee members and/or non-members including Federal officials, as necessary to fulfill its objectives. Subcommittees will be subject to the provisions of the Department of Commerce's Committee Management Handbook.

3. In pursuing its duties under Section 4, the Advisory Committee shall establish or utilize a Scientific Working Group, consisting of scientists and resource managers (primarily non-Federal) with expertise in marine and ocean science. This group will work closely with the MPA Center to conduct the assessment of gaps in levels of protection currently afforded natural and cultural resources and shall deliver a report to the Committee outlining their recommendations for future strengthening and expansion of the national MPA system. Additional analyses may be conducted at the request of the full Committee. The full Committee will evaluate the reports of the Scientific Working Group and will deliberate on the findings before providing the full Committee's recommendations to the Under Secretary for Oceans and Atmosphere to advise the Secretaries of Commerce and of the Interior.

4. The Committee will function solely as an advisory body and will comply with the provisions of the Federal Advisory Committee Act.

Members and Chairperson

1. This Committee shall consist of no more than 26 non-Federal members to be appointed by the Secretary of Commerce, in consultation with the Secretary of the Interior. The Committee shall be composed of knowledgeable representatives of stakeholder groups, such as:

Scientists and others representing the disciplines required to study coastal and marine ecosystems, such as ecologists, oceanographers, fisheries scientists, geologists, economists, anthropologists, archeologists, maritime historians and sociologists. Resource managers for marine areas and the Great Lakes, such as representatives from coastal states, tribes, territories and localities, as well as from regional fisheries management councils and interstate fisheries commissions. Conservation and philanthropic organizations involved in marine and ocean resource issues. Affected interest groups, such as representatives from the fishing (recreational and commercial), boating, diving, recreational, maritime and historical communities.

2. The Chairperson of the Committee will be appointed by the Under Secretary for Oceans and Atmosphere in consultation with the Department of the Interior. The Chairperson will serve a two year term.

3. Upon creation of the Committee, half of the initial members will be appointed to two-year

terms and half will be appointed to three-year terms. (If an odd number of individuals are to be appointed, the greater number will be appointed for three year terms.) After the initial appointments are made, members will be appointed for two-year terms. A Committee member may serve no more than two consecutive terms. In the event of an unexpected vacancy, appointments shall be made by the Secretary of Commerce for the remainder of the unexpired term of the vacancy. Such partial terms will not be counted toward the two-term maximum. All members serve at the discretion of the Secretary of Commerce.

Administrative Provisions

1. The Committee shall provide recommendations to the of Commerce and the Secretary of the Interior through the Department of Commerce Under Secretary for Oceans and Atmosphere.
2. The Committee shall meet at least twice annually.
3. NOAA will provide staff support for the Committee. In addition, the Department of Interior may detail individuals to NOAA on a reimbursable basis to provide additional staff support. A NOAA employee will serve as the Designated Federal Officer for the Committee.
4. The annual cost of operating the Committee is estimated at \$250,000, which includes 2.0 person years for staff support. This is exclusive of the cost of operating subcommittees, working groups, and/or task forces.
5. Members of the Committee are not compensated for their services, but may upon request, be allowed travel and per diem expenses as allowed by 5 U.S.C. 5701 et. seq.

Duration

The Marine Protected Areas Federal Advisory Committee shall terminate two years from the date of this charter unless terminated earlier or renewed by proper authority or appropriate action.

Linda Bilmes

Chief Financial Officer and
Assistant Secretary for Administration

December 18, 2000